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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,972	07/11/2001	Albert M. Anelli		9500

7590   03/09/2005

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EXAMINER
MOONEYHAM, JANICE A

ART UNIT	PAPER NUMBER
3629	

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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GROUP 3600

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/903,972	ANELLI, ALBERT M.
	Examiner	Art Unit
	Janice A. Mooneyham	3629

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>11 July 2001</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>*1-18*</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>*1-18*</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
   application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This is in response to the applicant's communication filed on July 11, 2001, wherein

claims 1-18 are currently pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2.   Regarding claim 8 and 10, the phrase "substantially" renders the claim indefinite because

it is unclear whether the limitations following the phrase are part of the claimed invention. See

MPEP § 2173.05(d).

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed

to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

(1) whether the invention is within the technological arts; and

(2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the

technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural

phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the

"progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences,

for example) and therefore are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts.

As to technological arts recited in the preamble, mere recitation in the preamble (i.e., intended or field of use) or mere implication of employing a machine or article of manufacture to perform some or all of the recited steps does not confer statutory subject matter to an otherwise abstract idea unless there is positive recitation in the claim as a whole to breathe life and meaning into the preamble.

Furthermore, the mere intended or trivial use of a component in the claims, albeit within the technological arts, does not confer statutory subject matter to an otherwise abstract idea if the component does not apply, involve, use, or advance the underlying process.

In the present case, the applicant states that the invention is a method for resolving a dispute via a network (could be a telephone or even a network of people). The fact that the grievance is described in computer readable form simply means that someone could print the grievance from the computer and hand it to the first level or management.

The applicant has not incorporated the technology in the claim language in such a way as to have the computer actually performing or processing the dispute resolution information. This is trivial use of the computer.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sloo (US

5,895,450) (hereinafter referred to as Sloo) in view of Slaikeu (US 2001/0007106) (hereinafter

referred to as Slaikeu) (copy of 09/030,034 provided with Office Action as Examiner is relying

on February 25, 1998 date).

Referring to Claim 1.

Sloo discloses a method for resolving a dispute via a network, the method comprising:

describing a grievance in computer readable form (col. 2, lines 53-61 (complaints), col. 2,

line 66 thru col. 3, line 7). Sloo discloses communicating the grievanc to an outside party for

resolution (Fig. 7 Judge/Jury)

Sloo does not discloses communicating the grievant to a first lower level of management

of an organization, when the grievance is not resolved by a lower level of management,

repeatedly communicating the grievance to a higher level until the grievance is resolved.

However, Slaikeu discloses communicating the grievance to a first lower level of management of

an organization, when the grievance is not resolved by a lower level of management, repeatedly

communicating the grievance to a higher level until the grievance is resolved; or when the

grievance is not resolved within the organization, communicating the grievance to an outside

party for resolution (page 1 [0006] higher authority wherein the chain of command is utilized or external arbitration or litigation are resorted to).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate into the teaching of Sloo the disclosure of Slaikeu since every business has conflict and unresolved conflicts contribute to high costs in organizations, especially if they lead to litigation.

Referring to Claim 2:

Sloo discloses a method wherein communicating the grievance to a lower level of management, communicating the grievance to each higher level of management, and communicating the grievance to an outside party is performed via a network (col. 3, lines 8-11).

Referring to Claim 3:

Sloo discloses a method wherein communicating the grievance is performed via the Internet (col. 3, lines 31-39 (WAN- the largest WAN in existence is the Internet)

Referring to Claim 4:

Sloo discloses a method wherein describing a grievance in computer readable form comprises typing the grievance and responses into a computer file (col. 3, lines 45-53, col. 4, lines 45-52 Register a Complaint, col. 10, lines 7-12).

Referring to Claim 5:

Sloo discloses a method wherein describing a grievance in computer readable form comprises communicating the grievance and responses to a computer (col. 4, lines 31-39, col. 6, lines 55-65, verbal communication – voice recognition device, col. 10, lines 7-12)

Referring to Claim 6:

Sloo discloses a method wherein resolution of the dispute is acknowledged by all parties (col. 5, lines 5-53 (counter complaint is an acknowledgement of complaint).

Referring to Claim 7:

Slaikeu does not explicitly discloses a method wherein plural attempts to resolve the dispute are facilitated at each level of management within the organization. However, Slaikeu does not preclude plural attempts to resolve the dispute at each level of management (page 1 [0006] Chain of command, pages 2-3 [0015], Fig. 1, Site Based Resolution shows several layers (20) prior to going to higher authority and also show loop back or forward paths, Fig. 2 conflict management flow chart)

Referring to Claim 8:

Both Sloo and Slaikeu disclose a method wherein the use of a computer network substantially replaces the conventional, non-network method for resolving disputes ((Sloo, Fig. 1) (Slaikeu (page 2 [0011]) both show the use of a computer system)

Referring to Claim 9:

Sloo discloses a method wherein describing a grievance in computer readable form comprises digitizing information which describes the dispute. (The Examiner is interpreting this to mean information is stored as conflict subjects) (col. 4, lines 9-17, Fig. 2 (206))

Referring to Claim 10:

Sloo discloses a method wherein the process is performed in a substantially paperless fashion (col. 1, line 63 thru col. 2, line 6 – performed via a computer network).

Referring to Claim 11:

Sloo does not discloses time guidelines imposed to facilitate timeline compliance.

However, Sloo discloses monitoring the time it takes for response during the process (col. 5,

lines 30-37).

It would have been obvious to one of ordinary skill in the art to incorporate time

guidelines into the disclosure of Sloo since these guidelines would move the prosecution along

making the resolution of the grievance occur in a more timely fashion.

Referring to Claim 12:

Sloo discloses a method wherein remedy tracking is imposed to facilitate compliance

(col. 6, lines 24-32 Monitor compliance, Fig. 9)

Referring to Claim 13:

Sloo discloses a method wherein group processing features are used to facilitate filing

and resolution of multiple grievances (col. 5, lines 50-56).

Referring to Claim 14:

Slaikeu discloses a method wherein customization of process steps is performed to fit

existing dispute procedure and management reporting structure (page 1 [0005] variables are

selected from a list... recommendations are for modifications to conform the existing

organizational conflict handling procedures to include at least those from this list.)

Referring to Claim 15:

Sloo discloses a method further comprising using database information to facilitate

decision support (col. 2, lines 7-20, col. 10, lines 13-39, col. 10, line 54 thru col. 11, line 5, col.

11, lines 31-35).

Referring to Claim 16:

Sloo discloses a method wherein the database information comprises summarized

grievance reports (col. 8, lines 44-49 past performance records)

Referring to Claim 17:

Sloo discloses a method further comprising assigning administration rights to each party

to ensure data protection and privacy (col. 5, lines 11-29 – private forum)

Referring to Claim 18:

Sloo discloses a method for resolving a dispute via the Internet, the method comprising:

verbally communicating a grievance (col. 2, lines 53-61, col. 6, lines 55-64 (oral

responses), col. 10, lines 7-12). Sloo disclose describing the dispute in writing (col. 6, lines 55-

64, col. 10, lines 7-12). Sloo discloses going to an outside party (judge/ jury) to resolve the

dispute (Fig. 7) and communicating over the Internet (WAN col. 2, lines 31-39 internet is the

largest WAN)

Sloo does not discloses that if the supervisor does not resolve the dispute, then going to a

higher level in management or going to an arbitrator/mediator as the party outside the

organization. However, Slaukeu discloses going to a higher level (chain of command) in

management and going to an arbitrator/mediator (col. 1 [0006] and Fig. 1 (20 Higher authority

available, Fig. 2 Conflict Management Flow Chart).

It would have been obvious to one of ordinary skill in the art at the time of the invention

to incorporate into the teaching of Sloo the disclosure of Slaikeu since every business has

conflict and unresolved conflicts contribute to high costs in organizations, especially if they lead

to litigation

An examination of this application reveals that applicant is unfamiliar with patent
prosecution procedure. While an inventor may prosecute the application, lack of skill in this field
usually acts as a liability in affording the maximum protection for the invention disclosed.
Applicant is advised to secure the services of a registered patent attorney or agent to prosecute
the application, since the value of a patent is largely dependent upon skilled preparation and
prosecution. The Office cannot aid in selecting an attorney or agent.

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Applicant is advised to secure the services of a registered patent attorney or agent to prosecute

the application, since the value of a patent is largely dependent upon skilled preparation and

prosecution. The Office cannot aid in selecting an attorney or agent.

Conclusion

Applicant is advised of the availability of the publication "Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office." This publication is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kienbaum discloses an interactive internet third party resources computer which allows a worker to automatically file a grievance wherein the worker is presented with a list of questions, the complaint is analyzed by the system and a determination of what type person should be notified is made.
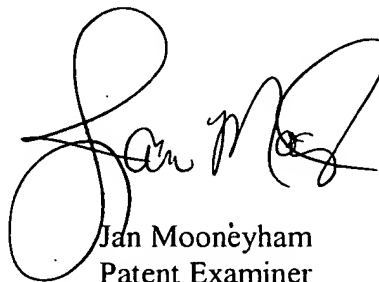
Litigation lite? – discloses an arbitration system for resolving disputes.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janice A. Mooneyham whose telephone number is (703) 305-8554. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jan Mooneyham
Patent Examiner
Art Unit 3629

	Application/Control No.	Applicant(s)/Patent Under Reexamination
Notice of References Cited	09/903,972	ANELLI, ALBERT M.
	Examiner	Art Unit	Page 1 of 1
	Janice A. Mooneyham	3629	

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-5,895,450	04-1999	Sloo, Marshall A.	705/1
	B	US-2001/0007106	07-2001	Slaikeu, Karl A.	707/1
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N	WO 01/26025	04-2001	PCT	Kienbaum	
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	Springer, Ann D., Litigation lite? Academe, Washington, July/August 2001, vol. 87, issue 4 page 62
	V	09/030,034
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

[Continued on next page]

(54) Title: INTERNET ENABLED THIRD PARTY HUMAN RESOURCES COMPUTER SYSTEM AND METHOD
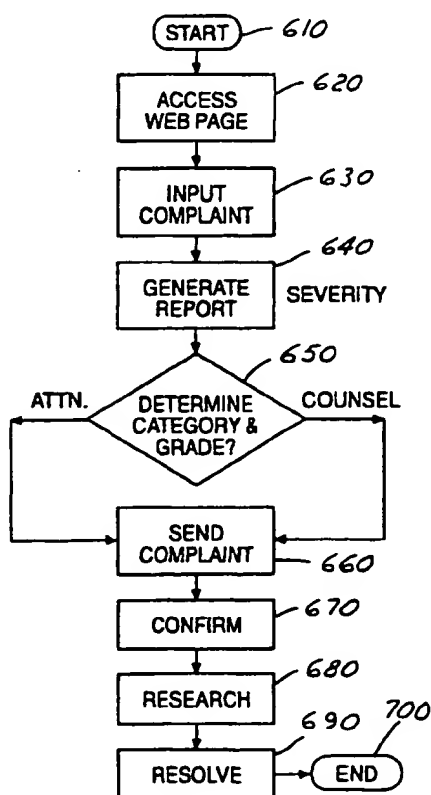
(57) Abstract: An interactive Internet enabled third party human resources computer system allows a worker to automatically file a grievance. The process begins when a worker with a grievance connects to a home page (620) run by a third party and describes their complaint. Inputting the details of the complaint is a guided process (630). The worker is presented with a succession of questions that elicit information about the complaint. The list of questions and their order is a dynamic process, using previous answers to guide the "discussion". The process continues when the completed complaint is analyzed by the system: it is categorized and graded (minor, major, potential legal liability). The system then uses the category and grade to determine which type of person (HR personnel or attorney) should be notified (650). Finally, the system manager accesses the system, and is able to arrive at the details of the complaint. At this point (680) the system manager will have links to various pieces of ancillary information from the company -HR manuals, procedures, etc. The system manager will formulate replies and actions and begin handling the complaint (690).

WO 01/26025 A1

INTERNET ENABLED THIRD PARTY HUMAN
RESOURCES COMPUTER SYSTEM AND METHOD

RELATED APPLICATIONS

This application claims the benefit of
5   earlier filed provisional patent application Serial
No. 60/157,236 filed on 10/01/99 entitled, "Method
for Employee Initiated Alternative Dispute
Resolution.

TECHNICAL FIELD

10   The present invention relates generally to
interactive computer systems, and more particularly,
to an interactive Internet enabled third party human
resources computer system.

BACKGROUND ART

15   In order to remain successful, any company
that employs workers must have some form of human
resources program that monitors and resolves worker
grievances. If grievances are not handled in a fair
and professional manner, then employees may find
20   alternative companies for employment or seek legal
assistance in resolving their issues. Therefore, it
is in the best interest of companies to provide a
means for quick and impartial resolution of any
employee problems.

25   Typically, human resources programs are
maintained and run by the company itself. Not only
does this require additional manpower while incurring
additional costs, but when employees for these
companies have a complaint they must present their

grievance directly to someone employed by the company. Unfortunately, because of this, the perception of some employees is that the grievance process is designed to benefit the company and is not

5   fair and impartial. This perception can result in a reduced sense of security and confidentiality, thus detracting from job performance and satisfaction. Additionally, this perception may increase the possibility of exposing the company to legal action

10   since the employee may seek legal counsel rather than redress with the company.

In the past, employee grievances and complaints have been tracked manually. This is a tedious process subject to possible human error.

15   Unfortunately, this manual process can occasionally result in similar grievances receiving different treatment. Disparate treatment of similar grievances is not desirable. Also, the manual process for tracking employee grievances is not easily accessible

20   to all concerned individuals.

The disadvantages associated with these conventional human resources techniques have made it apparent that a new technique for handling employee grievances is needed. The new technique should

25   handle employee grievances in a fair, neutral, and confidential manner. Employee concerns should also be addressed as quickly as possible. Additionally, the new technique should automate the tracking and resolution of employee grievances consistent with

30   company policy. The new technique should also

provide real time feedback to company management. The present invention is directed to these ends.

SUMMARY OF THE INVENTION

It is, therefore, an object of the
5   invention to provide an improved and reliable interactive Internet enabled third party human resources computer system. Another object of the invention is to handle employee grievances in a fair, neutral, and confidential manner. Additionally, an
10   object of the invention is to automate the tracking and resolution of employee grievances consistent with company policy.

In accordance with the objects of this invention, an interactive Internet enabled third
15   party human resources computer system is provided. In one embodiment of the invention, an interactive Internet enabled third party human resources computer system allows a worker to automatically file a grievance. The process begins when a worker with a
20   grievance connects to a home page run by a third party and describes their complaint. Inputting the details of the complaint is a guided process. The worker is presented with a succession of questions that elicit information about the complaint. The
25   list of questions and their order is a dynamic process, using previous answers to guide the "discussion". The process continues when the completed complaint is analyzed by the system: it is categorized and graded (minor, major, potential legal
30   liability). The system then uses the category and

grade to determine which type of person (HR personnel or attorney) should be notified. Finally, the system manager accesses the system, and is able to arrive at the details of the complaint. At this point the

5   system manager will have links to various pieces of ancillary information from the company - HR manuals, procedures, etc. The system manager will formulate replies and actions and begin handling the complaint.

10   The present invention thus achieves an improved interactive Internet enabled third party human resources computer system. The present invention is advantageous in that it provides real time feedback to company management.

15   Additional advantages and features of the present invention will become apparent from the description that follows, and may be realized by means of the instrumentalities and combinations particularly pointed out in the appended claims,

20   taken in conjunction with the accompanying drawings.

BRIEF DESCRIPTION OF THE DRAWINGS

In order that the invention may be well understood, there will now be described some embodiments thereof, given by way of example,

25   reference being made to the accompanying drawings, in which:

FIGURE 1 is an illustration of a interactive Internet enabled third party human

resources computer in accordance with one embodiment of the present invention;

FIGURE 2 is a block diagram of an interactive Internet enabled third party human
5   resources computer system in accordance with one embodiment of the present invention;

FIGURE 3 is a block diagram of a central controller for an interactive Internet enabled third party human resources computer system in accordance
10   with one embodiment of the present invention;

FIGURE 4 is a block diagram of a worker sphere for an interactive Internet enabled third party human resources computer system in accordance with one embodiment of the present invention;

15   FIGURE 5 is a block diagram of a counselor sphere for an interactive Internet enabled third party human resources computer system in accordance with one embodiment of the present invention; and

FIGURE 6 is a flow chart for an interactive
20   Internet enabled third party human resources computer system in accordance with one embodiment of the present invention.

BEST MODES FOR CARRYING OUT THE INVENTION

In the following figures, the same
25   reference numerals will be used to identify identical components in the various views. The present invention is illustrated with respect to an

interactive Internet enabled third party computer system, particularly suited for human resources management. However, the present invention is applicable to various other uses that may require
5   interactive Internet enabled third party computer systems.

Referring to FIGURE 1, an interactive Internet enabled third party human resources computer system in accordance with one embodiment of the
10   present invention is illustrated, designated generally as 10. As shown, interactive Internet enabled third party human resources computer system 10 can be implemented using a general purpose computer 12 that is specially programmed by a
15   computer program 14 stored on a CD-ROM or other non-volatile storage memory 16. Computer 12 includes a CD-ROM drive 18 that it uses to access program 14 from CD-ROM 16. Computer 12 further includes two other input devices; namely, a keyboard 20 for use by
20   the employee to input text and a mouse or other serial input device 22 that is used by the employee in conjunction with the graphical user interface provided by program 14. Computer 12 also has a number of output devices, including a computer screen
25   or monitor 24, one or more speakers 26, and a printer 28 for printing out a grievance record 30.

In general, program 14 uses monitor 24 and may also use speaker 26 to provide the employee with an audiovisual presentation of information to submit
30   their grievance. When a worker has a grievance or

complaint, they will access the system via computer 12 and the Internet 32. They will connect to a home page run by the present invention but customized for each company. They will login [complete with password

5   to protect their complaint from being viewed by others] and proceed to detail their complaint.

Inputting the details of the complaint is a guided process; that is, they are presented with a succession of questions which elicits from them

10   information about the complaint either in a binary form [yes/no] or as graded questions [on a 5 point scale how severe was ...]. The list of questions and their order is a dynamic process, using previous answers to guide the "discussion". For instance, if

15   in response to an initial question, the employee indicates it is a discrimination issue, they will be presented with different follow-up questions, then if they indicated it was a harassment issue. The session ends with the worker "Send"-ing the complaint

20   to the system.

A completed complaint is analyzed by the system: it is categorized and graded (minor, major, potential legal liability). The system then uses the category and grade to determine which type of person

25   (HR personnel or attorney) should be notified. An email or other form of contact is then initiated such that the third party system manager can process the grievance. In one alternative embodiment of the present invention, the system will attach the

30   appropriate company policy to the email. In another

alternative embodiment of the present invention, the system will attach prior resolutions to similar grievances to the email.

5   The system manager accesses the system, and is able to arrive at the details of the complaint. At this point the system manager will have links to various pieces of ancillary information from the company - HR manuals, procedures, etc. The system manager formulates replies and actions, and begins
10   handling the complaint. The process is described in detail below with reference to Figure 6. The present invention will have a Log section in the complaint for the system manager to note actions, times-date, documents created, etc.

15   Another aspect of the system is the maintenance section. This will enable the database administrator to perform many tasks, such as inputting information for new corporate clients [contacts, documents, policies, etc.], correct errors
20   in the database and so forth.

      Advantageously, all of the components of Fig. 1 except program 14 on CD-ROM 16 can be conventional components connected together in a conventional manner. For example, computer 12 can be
25   a standard personal computer, such as a Pentium-based computer running Windows95/98/2000. The worker can, therefore, either use an existing computer or can simply purchase any one of a number of widely available compatible computers and then need only

connect to the Internet 32 using a conventional network interface.

As an alternative to CD-ROM 16, the non-volatile storage memory can comprise other types of
5   optical disks, such as DVD, or can comprise other types of non-volatile storage memory 16 along with program 14 stored thereon together comprise a digital storage device that can be used by computer 12 to provide the automated interactive Internet enabled
10   third party human resources computer system 10 of the present invention.

As will be appreciated by those skilled in the art, program 14 may include a number of individually executable files, libraries, audio
15   files, video files, and other program components, all of which may be stored as individual files. It will, therefore, be understood that, as used herein, the term "program" is meant to include the executable file(s) and any libraries or other support files
20   necessary to configure computer 12 into interactive Internet enabled third party human resources computer system 10.

Referring to FIGURE 2, a block diagram of an interactive Internet enabled third party human
25   resources computer system in accordance with one embodiment of the present invention is illustrated. The system architecture is illustrated with reference to Figures 2 through 5. As shown in Figure 2, the network-based system of the present invention

comprises a worker sphere 200, a central controller 300 and at least one system manager sphere 400. In this embodiment, the program software for the present invention resides in the central controller and is

5 accessed by the employee and/or system manager through the Internet connection 32. Each interface is connected through an Internet 32 connection using a public switched phone network, such as those provided by a local or regional telephone operating

10 company. Connection may also be provided by dedicated data lines, cellular, Personal Communication Systems ("PCS"), microwave, or satellite networks.

15 Using the above components, the present invention provides a method and apparatus to interactively provide human resources services to employees of a company using a third party. Use of a third party for addressing employee grievances

20 results in increased employee satisfaction and improved performance.

Referring to FIGURE 3, a block diagram of a central controller 200 for an interactive Internet enabled third party human resources computer system

25 in accordance with one embodiment of the present invention is illustrated. Central controller 200 includes central processor (CPU) 205, cryptographic processor 210, Random Access Memory (RAM) 215, Read Only Memory (ROM) 220, payment processor 230, clock

30 235, operating system 240, network interface 245, and data storage device 250.

A conventional personal computer or computer workstation with sufficient memory and processing capability may be used as central controller 200. In one embodiment, it operates as a web server, both receiving and transmitting data generated by workers/counselors. Central controller 200 is preferably capable of high volume transaction processing in processing communications and database searches. A Pentium-family microprocessor commonly manufactured by Intel, Inc. may be used for CPU 205. This processor employs a 32-bit architecture. Equivalent processors are also provided by Motorola or Sun Microsystems.

An MC68HC16 microcontroller, commonly manufactured by Motorola, Inc. may be used for cryptographic processor 210. Equivalent processors may also be used. This microcontroller utilizes a 16-bit multiply-and-accumulate instruction in the 16 MHz configuration and requires less than one second to perform a 512-bit RSA private key operation. Cryptographic processor 210 supports the authentication of communications from workers and employees. Cryptographic processor 210 may also be configured as part of CPU 205. Other commercially available specialized cryptographic processors include VLSI Technology's 33 MHz 6868 or Semaphore Communications' 40 MHz Roadrunner 284.

Data storage device 250 may include hard disk magnetic or optical storage units, as well as

CD-ROM drives or flash memory. Data storage device 250 contains databases used in the processing of transactions in the present invention, including company database 255, complaint database 260,

5   resolution database 285, cryptographic key database 290, and employee records database 295. In a preferred embodiment, database software such as that manufactured by Oracle Corporation is used to create and manage these databases.

10 Company database 255 maintains data on company policies such as discrimination, ethics, health and safety, theft/whistleblower, performance, terms and conditions of employment, substance abuse, termination, leaves, pay and benefits, sexual

15 harassment, etc. Each company generates this information. In another preferred embodiment of the present invention, company database 255 would be created and maintained by the third party responsible for supplying human resource services.

20 Complaint database 260 maintains data for each transaction associated with a particular workers complaint with fields such as name, address, phone number, date of birth, work supervisor, location, actual complaint, and tracking code. As described in

25 more detail below, the amount and type of worker information will vary depending upon the answers to previous questions asked. The list of questions and their order is a dynamic process, using previous answers to guide the "discussion".

Resolution database 285 tracks all resolutions of previous complaints made by the workers and counselors for each company account handled by the third party HR manager. In this way, resolutions for similar complaints may be handled in a consistent manner by accessing the resolutions to previous complaints. Ideally, the system uses keywords to compile previous resolutions to problems similar to the current problem and forward them onto a system manager.

Cryptographic key database 290 facilitates cryptographic functions, storing both symmetric and asymmetric keys. These keys are used by cryptographic processor 210 for encrypting and decrypting worker and system manager data to maintain security.

Employee database 295 maintains data for each worker with fields such as name, address, phone number, date of birth, supervisor, location, race and employment data. This data may be used to assist a system manager when determining the type and severity of the complaint.

A completed complaint is analyzed by the system: it is categorized and graded (minor, major, potential legal liability). The system then uses the category and grade to determine which type of person (HR personnel or attorney) should be notified. An email or other form of contact is then initiated such that the third party system manager can process the

grievance. Alternatively, the system could process the grievance and contact the HR counselor or attorney directly. In one alternative embodiment of the present invention, the system will attach the
5   appropriate company policy to the email. In another alternative embodiment of the present invention, the system will attach prior resolutions to similar grievances to the email.

Network interface 245 is the gateway to
10   communicate with workers and system manager. Conventional internal or external modems or network cards may serve as network interface 245. Network interface 245 supports modems at a range of baud rates from 1200 upward, but may combine such inputs
15   into a T1 or T3 line if more bandwidth is required. In a preferred embodiment, network interface 245 is connected with the Internet and/or any of the commercial on-line services such as America Online or Microsoft Network, allowing buyers and sellers access
20   from a wide range of on-line connections. Several commercial electronic mail servers also include the above functionality. Alternatively, network interface 245 may be configured as a web site.

While the above embodiment describes a
25   single computer acting as central controller 200, those skilled in the art will realize that the functionality can be distributed over a plurality of computers. In one embodiment, central controller 200 is configured in a distributed architecture, wherein
30   the databases and processors are housed in separate

units or locations. Some controllers perform the primary processing functions and contain at a minimum RAM, ROM, and a general processor. Each of these controllers is attached to a WAN hub that serves as

5   the primary communication link with the other controllers and interface devices. The WAN hub may have minimal processing capability itself, serving primarily as a communications router. Those skilled in the art will appreciate that an almost unlimited

10 number of controllers may be supported. This arrangement yields a more dynamic and flexible system, less prone to catastrophic hardware failures affecting the entire system. This also provides flexibility in maintaining and upgrading the

15 automated compliant recording available on the system.

    Referring to FIGURE 4, a block diagram of a worker sphere 300 for an interactive Internet enabled third party human resources computer system in

20 accordance with one embodiment of the present invention is illustrated. In an exemplary embodiment, worker sphere 300 comprises a conventional personal computer which includes a processing device such as central processor (CPU)

25 305; RAM 315; ROM 320; clock 335; video driver 325; video monitor 330; communication port 340; input device 345, such as a keyboard, mouse, or conventional voice recognition software package; a network interface such as a modem 350; and data

30 storage device 360. The device interfaces with central controller 200. Cryptographic processor 335

may be added for improved authentication and security as is known in the art. A Pentium-family microprocessor may be used for CPU 305. Clock 335 is a standard chip-based clock that can serve to time stamp data transmissions produced with the interface 300.

Data storage device 360 is a conventional magnetic-based or optical based hard disk storage unit. Script database 370 may be used for prompting the worker with questions relating to each grievance. In a preferred embodiment, the script database is transferred over Internet 32 from central controller 200.

There are many commercial software applications that can enable the communications required by the interface 300, the primary functionality being message creation and transmission. When central controller 200 is configured as a web server, conventional communications software such as the Netscape navigator web browser from Netscape Corporation or Internet Explorer web browser from Microsoft Corporation may also be used. The worker and counselor may use the browser to transmit data. Preferably, no proprietary software is required.

In one embodiment of the present invention, communications between workers/system managers and the system take place via electronic networks, with central controller 200 acting as a web server. When

a worker has a grievance or complaint, they will access the system via computer 12 and the Internet 32. They will connect to a home page in the form of the present invention but customized for each
5   company. They will login [complete with password to protect their complaint from being viewed by others] and proceed to detail their complaint as prompted.

Inputting the details of the complaint is a guided process; that is, they will be presented with
10 a succession of questions which will elicit from them information about the complaint either in a binary form [yes/no] or as graded questions [on a 5 point scale how severe was ...]. The list of questions and their order is a dynamic process, using previous
15 answers to guide the `discussion'. The session ends with the worker `Send'-ing the complaint to the system.

Although this procedure works well in a low security environment, it can be significantly
20 improved through the use of cryptographic protocols. These protocols not only enhance the ability to authenticate the sender of a message, but also serve to verify the integrity of the message itself, proving that is has not been altered during
25 transmission. Encryption can also prevent eavesdroppers from learning the contents of the message. The practice of using cryptographic protocols to ensure the authenticity of senders as well as the integrity of messages is well-known in
30 the art and need not be described here in detail.

Depending upon the encryption desired, cryptographic processors 210, 310 might be required. Preferably, however, Encryption Software such as is known in the art is used to provide sufficient security and

5   integrity assurances.

        Referring to FIGURE 5, a block diagram of a system manager sphere 400 for an interactive Internet enabled third party human resources computer system in accordance with one embodiment of the present

10   invention is illustrated. System manager sphere 400 includes the administrative personnel at the third party HR organization who act as a gatekeeper, and the attorneys / HR counselors. In an exemplary embodiment, counselor sphere 400 comprises a

15   conventional personal computer which includes a processing device such as central processor (CPU) 405; RAM 415; ROM 420; clock 435; video driver 425; video monitor 430; communication port 440; input device 445, such as a keyboard, mouse, or

20   conventional voice recognition software package; a network interface such as a modem 450; and data storage device 460. The device interfaces with central controller 200. Cryptographic processor 435 may be added for improved authentication and security

25   as is known in the art. A Pentium-family microprocessor may be used for CPU 405. Clock 435 is a standard chip-based clock that can serve to time stamp data transmissions produced with the interface 400.

Data storage device 460 is a conventional magnetic-based or optical based hard disk storage unit. Email database 470 contains messages generated by central controller 200. In a preferred
5 embodiment, the central controller 200 will include a severity rating as well as grievance type and the full complaint.

There are many commercial software applications that can enable the communications
10 required by the interface 400, the primary functionality being message creation and transmission. When central controller 200 is configured as a web server, conventional communications software such as the Netscape
15 navigator web browser from Netscape Corporation or Internet Explorer web browser from Microsoft Corporation may also be used. The worker and system manager may use the browser to transmit data. Preferably, no proprietary software is required.

20 In one embodiment of the present invention, communications between workers/system managers and the system take place via electronic networks, with central controller 200 acting as a web server. The system manager accesses the system, and is able to
25 arrive at the details of the complaint. At this point the system manager will have links to various pieces of ancillary information from the company - HR manuals, procedures, etc. The system manager formulates replies and actions, and begins handling
30 the complaint. The process is described in detail

below with reference to Figure 6. The present invention will have a Log section in the complaint for the system manager to note actions, times-date, documents created, etc.

5   Another aspect of the system is the maintenance section. This will enable the database administrator to perform many tasks, such as inputting information for new corporate clients [contacts, documents, policies, etc.], correct errors
10   an the database and so forth.

Although this procedure works well in a low security environment, it can be significantly improved through the use of cryptographic protocols. These protocols not only enhance the ability to
15   authenticate the sender of a message, but also serve to verify the integrity of the message itself, proving that is has not been altered during transmission. Encryption can also prevent eavesdroppers from learning the contents of the
20   message. The practice of using cryptographic protocols to ensure the authenticity of senders as well as the integrity of messages is well-known in the art and need not be described here in detail. Depending upon the encryption desired, cryptographic
25   processors 210, 310 might be required. Preferably, however, Encryption Software such as is known in the art is used to provide sufficient security and integrity assurances.

Referring to FIGURE 6, a flow chart for an interactive Internet enabled third party human resources computer system in accordance with one embodiment of the present invention is illustrated. 5 The process begins with step 610 and immediately proceeds to step 620. In step 620, when a worker has a grievance or complaint, they will access the system via computer 12 and the Internet 32. They will connect to a home page run by the third party HR 10 management firm in accordance with the present invention but customized for each company. The sequence then proceeds to step 630, where the employee will login [complete with password to protect their complaint from being viewed by others] 15 and proceed to detail their complaint.

Inputting the details of the complaint is a guided process; that is, they will be presented with a succession of questions which will elicit from them information about the complaint either in a binary 20 form [yes/no] or as graded questions [on a 5 point scale how severe was ...]. The list of questions and their order is a dynamic process, using previous answers to guide the "discussion". The session ends with the worker "Send"-ing the complaint to the 25 system and the sequence proceeds to step 640.

In step 640, the completed complaint is analyzed by the system: it is categorized and graded (minor, major, potential legal liability). The system then uses the category and grade to determine 30 which type of person (HR personnel or attorney)

should be notified. An email or other form of contact is then initiated such that the third party system manager can process the grievance. The third party system manager accesses the system and is presented with the grievances received for each company account associated with the system. Each complaint will indicate from the interactive initial session the type, severity, and proper personnel to address the complaint. The system manager then forwards the complaint to the proper person to address the complaint, i.e., HR manager or attorney.

Alternatively, the system could process the grievance and contact the HR counselor or attorney directly. Ideally this process is automated. If the system determines that an attorney is required, for example, then an email can be sent directly to an attorney in step 660. Otherwise, if the system determines that a counselor is required, then and an email is sent directly to an HR counselor in step 660. The system manager addresses the grievance by investigating the information provided by the employee at the initial session. Preferably, the system manager notifies the employee that the grievance is being investigated. Notice preferably is written 24 hours of receiving the complaint ant can be by telephone, facsimile, e-mail, or any other conventional method.

After the email is sent in step 660, the sequence proceeds to step 670. In this way, the system manager acts as a gatekeeper for centrally

accumulating an recording employee initiated complaints and directing the proper personnel to address the matter. The system manager also confirms with the employee that their grievance is being

5   promptly addressed. At the same time, the proper personnel is immediately notified and can begin to address the complaint. In the case of very serious matters or patterns of complaints, the company can be promptly notified. Ideally the function of

10 gatekeeper is completely automated.

In an alternative embodiment of the present invention, the system attaches the appropriate company policy relevant to the current grievance to the email. In another alternative embodiment of the

15 present invention, the system attaches prior resolutions to similar grievances to the email

In step 670, the counselor or attorney logs into the system, and will be able to arrive at the

20 details of the complaint. The counselor or attorney will then determine if the routing was proper. If the routing was proper then the sequence will proceed to step 680, where the counselor will begin researching the complaint. To assist the counselor

25 links to various pieces of ancillary information from the company - HR manuals, procedures, etc. are provided. In step 690, the counselor will formulate replies and actions and begin handling the complaint. The present invention will have a Log section in the

30 complaint for the counselor to note actions, times-

date, documents created, etc. Once the complaint is resolved, the sequence proceeds to step 700 and ends.

5   The present invention thus achieves an improved and reliable interactive Internet enabled third party human resources computer system by using an expert system to automate the human resources process. In this way, the present invention handles employee grievances in a fair, neutral, and confidential manner. Additionally, the present

10 invention automates the tracking and resolution of employee grievances consistent with company policy. Also, the present invention provides real time feedback to company management.

From the foregoing, it can be seen that

15 there has been brought to the art a new and improved human resources system. It is to be understood that the preceding description of the preferred embodiment is merely illustrative of some of the many specific embodiments that represent applications of the

20 principles of the present invention. Clearly, numerous and other arrangements would be evident to those skilled in the art without departing from the scope of the invention as defined by the following claims:

What is claimed is:

1   1.   An interactive Internet enabled third
2   party human resources computer system, comprising:
3   a   worker   sphere   connected   to   a
4   network, the worker sphere having at least one input
5   device for use by a worker to provide input to the
6   interface and a screen for displaying information to
7   the worker; and
8   a   server   connected   to   the   network   in
9   operative communication with the worker sphere, the
10 server including a program stored in memory and
11 accessible by the worker sphere;
12   the interface being operable under control
13 of the program to present information concerning a
14 worker grievance via the screen, to request input
15 from the worker via the input device, and to
16 determine from the input whether the severity and
17 type of grievance presented; and
18   the interface further being operable under
19 control of the program to forward said worker
20 grievance to a system manager sphere based upon said
21 input from said worker, whereby said interface
22 determines if said grievance is sent to a counselor,
23 and whereby said interface determines if said
24 grievance is sent to an attorney.

1   2.   The interactive Internet enabled third
2   party human resources computer system of claim 1,
3   wherein the interface is further operable under
4   control of the program to determine severity said
5   grievance.

1   3.   The interactive Internet enabled third
2   party human resources computer system of claim 2,
3   wherein the interface is further operable under
4   control of the program to provide the worker with
5   repeated questions in an order determined by how said
6   questions are answered.

1   4.   The interactive Internet enabled third
2   party human resources computer system of claim 2,
3   wherein the interface is further operable under
4   control of the program to generate a summary report.

1   5.   The interactive Internet enabled third
2   party human resources computer system of claim 1,
3   wherein the interface is a computer and the network
4   is the internet.

1   6.   The interactive Internet enabled third
2   party human resources computer system of claim 1,
3   wherein the interface categorizes said complaint.

1   7.   The interactive Internet enabled third
2   party human resources computer system of claim 1,
3   wherein the interface rates a severity of said
4   complaint.

1   8.   The interactive Internet enabled third
2   party human resources computer system of claim 1,
3   wherein the interface assigns a person to said
4   complaint.

1   9.   The interactive Internet enabled third
2   party human resources computer system of claim 8,
3   wherein said person is an HR manager.

1   10.   The interactive Internet enabled third
2   party human resources computer system of claim 8,
3   wherein the interface said person is an attorney.

1   11.   The interactive Internet enabled third
2   party human resources computer system of claim 1,
3   wherein the interface routes said employee initiated
4   complaint.

1   12.   The interactive Internet enabled third
2   party human resources computer system of claim 11,
3   wherein said routing is done by a system manager.

1   13.   The interactive Internet enabled third
2   party human resources computer system of claim 12,
3   wherein said system manager determines what personnel
4   should be routed said complaint.

1   14.   The interactive Internet enabled third
2   party human resources computer system of claim 11,
3   wherein said routing is done by an automated system.

1   15.   The interactive Internet enabled third
2   party human resources computer system of claim 14,
3   wherein said automated system determines what
4   personnel should be routed said complaint

1   16.   A method of resolving complaints
2   between an employee and an employer, comprising the
3   steps of:

4   receiving an employee initiated complaint
5   at a third party organization;

6   processing said complaint; and

7   intermediating between said employee and
8   said employer to resolve said complaint.

1   17.   The method of resolving complaints
2   between an employee and an employer as recited in
3   claim 16, further comprising the step of providing a
4   network for said employee to fill out said employee
5   initiated complaint.

1   18.   The method of resolving complaints
2   between an employee and an employer as recited in
3   claim 17, wherein said network is the Internet.

1   19.   The method of resolving complaints
2   between an employee and an employer as recited in
3   claim 16, further comprising the step of providing a
4   network to receive said employee initiated complaint.

1   20.   The method of resolving complaints
2   between an employee and an employer as recited in
3   claim 19, wherein said network is the Internet.

1   21.   The method of resolving complaints
2   between an employee and an employer as recited in
3   claim 16, wherein the step of processing said
4   complaint comprises categorizing said complaint.

1   22.   The method of resolving complaints
2   between an employee and an employer as recited in
3   claim 16, wherein the step of processing said

4 complaint comprises rating a severity of said
5 complaint.

1   23. The method of resolving complaints
2 between an employee and an employer as recited in
3 claim 16, wherein the step of processing said
4 complaint comprises assigning a person to said
5 complaint.

1   24. The method of resolving complaints
2 between an employee and an employer as recited in
3 claim 23, wherein said person is an HR manager.

1   25. The method of resolving complaints
2 between an employee and an employer as recited in
3 claim 23, wherein said person is an attorney.

1   26. The method of resolving complaints
2 between an employee and an employer as recited in
3 claim 16, further comprising routing said employee
4 initiated complaint.

1   27. The method of resolving complaints
2 between an employee and an employer as recited in
3 claim 26, wherein said routing is done by a system
4 manager.

1   28. The method of resolving complaints
2 between an employee and an employer as recited in
3 claim 27, wherein said system manager determines what
4 personnel should be routed said complaint.

1   29. The method of resolving complaints
2 between an employee and an employer as recited in

3 claim 26, wherein said routing is done by an
4 automated system.

1   30. The method of resolving complaints
2 between an employee and an employer as recited in
3 claim 29, wherein said automated system determines
4 what personnel should be routed said complaint

1   31. The method of resolving complaints
2 between an employee and an employer as recited in
3 claim 16, wherein said step of intermediating
4 comprises providing a binding resolution to said
5 employee.

1   32. The method of resolving complaints
2 between an employee and an employer as recited in
3 claim 16, wherein said step of intermediating
4 comprises providing a binding resolution to said
5 employer.

-31-
AMENDED CLAIMS
[received by the International Bureau on 9 March 2001 (09.03.01);
original claims 1, 2, 5 and 17 amended;
remaining claims unchanged (3 pages)]

What is claimed is:

1   1.   An interactive Internet enabled third
2   party human resources computer system, comprising:
3   a   worker   sphere   connected   to   a
4   network, the worker sphere having at least one input
5   device for use by a worker to provide input to the
6   interface and a screen for displaying information to
7   the worker; and
8   a   server   connected   to   the   network   in
9   operative communication with the worker sphere, the
10 server including a program stored in memory and
11 accessible by the worker sphere;
12   the interface being operable under control
13 of the program to present information concerning a
14 worker grievance via the screen, to request input
15 from the worker via the input device, and to
16 determine from the input a type of grievance
17 presented; and
18   the interface further being operable under
19 control of the program to forward said worker
20 grievance to a system manager sphere based upon said
21 input from said worker, whereby said interface
22 determines if said grievance is sent to a counselor,
23 and whereby said interface determines if said
24 grievance is sent to an attorney.

1   2.   The interactive Internet enabled third
2   party human resources computer system of claim 1,
3   wherein the interface is further operable under
4   control of the program to determine a severity of
5   said grievance.

1   3.   The interactive Internet enabled third
2 party human resources computer system of claim 2,
3 wherein the interface is further operable under
4 control of the program to provide the worker with
5 repeated questions in an order determined by how said
6 questions are answered.

1   4.   The interactive Internet enabled third
2 party human resources computer system of claim 2,
3 wherein the interface is further operable under
4 control of the program to generate a summary report.

1   5.   The interactive Internet enabled third
2 party human resources computer system of claim 1,
3 wherein the interface is a computer and the network
4 is the Internet.

1   6.   The interactive Internet enabled third
2 party human resources computer system of claim 1,
3 wherein the interface categorizes said complaint.

1   7.   The interactive Internet enabled third
2 party human resources computer system of claim 1,
3 wherein the interface rates a severity of said
4 complaint.

1   8.   The interactive Internet enabled third
2 party human resources computer system of claim 1,
3 wherein the interface assigns a person to said
4 complaint.

1   9.   The interactive Internet enabled third
2 party human resources computer system of claim 8,
3 wherein said person is an HR manager.

7   intermediating between said employee and
8   said employer to resolve said complaint.

1   17. The method of resolving complaints
2   between an employee and an employer as recited in
3   claim 16, further comprising the step of providing a
4   network for said employee to record said employee
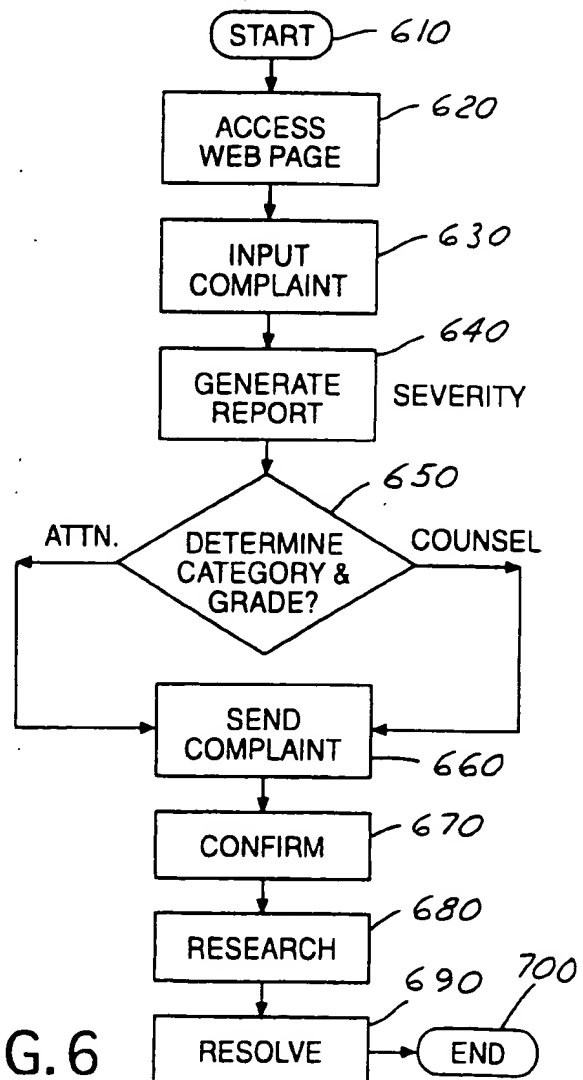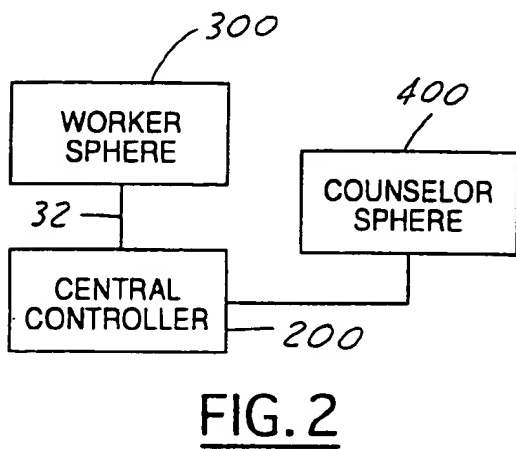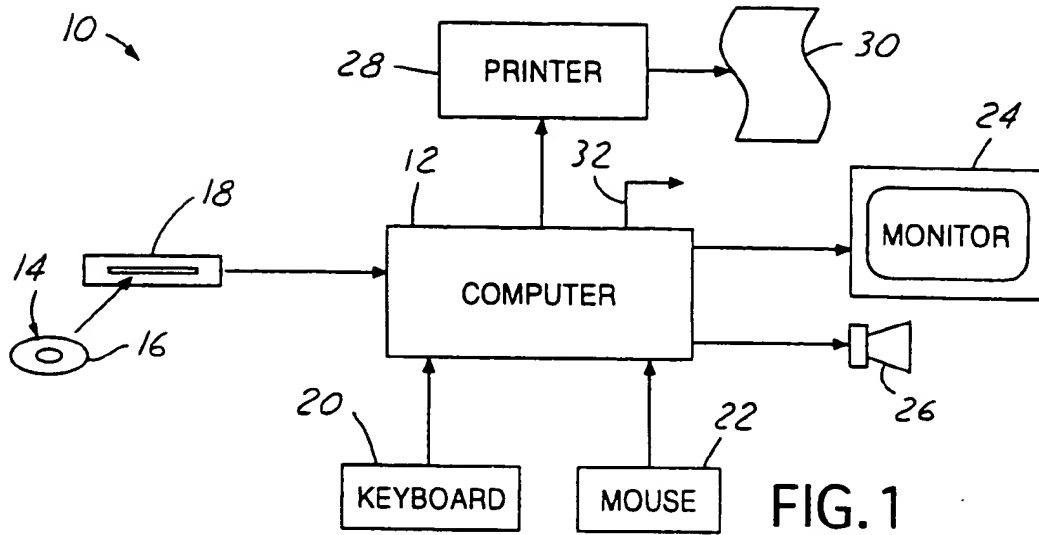5   initiated complaint.

1   18. The method of resolving complaints
2   between an employee and an employer as recited in
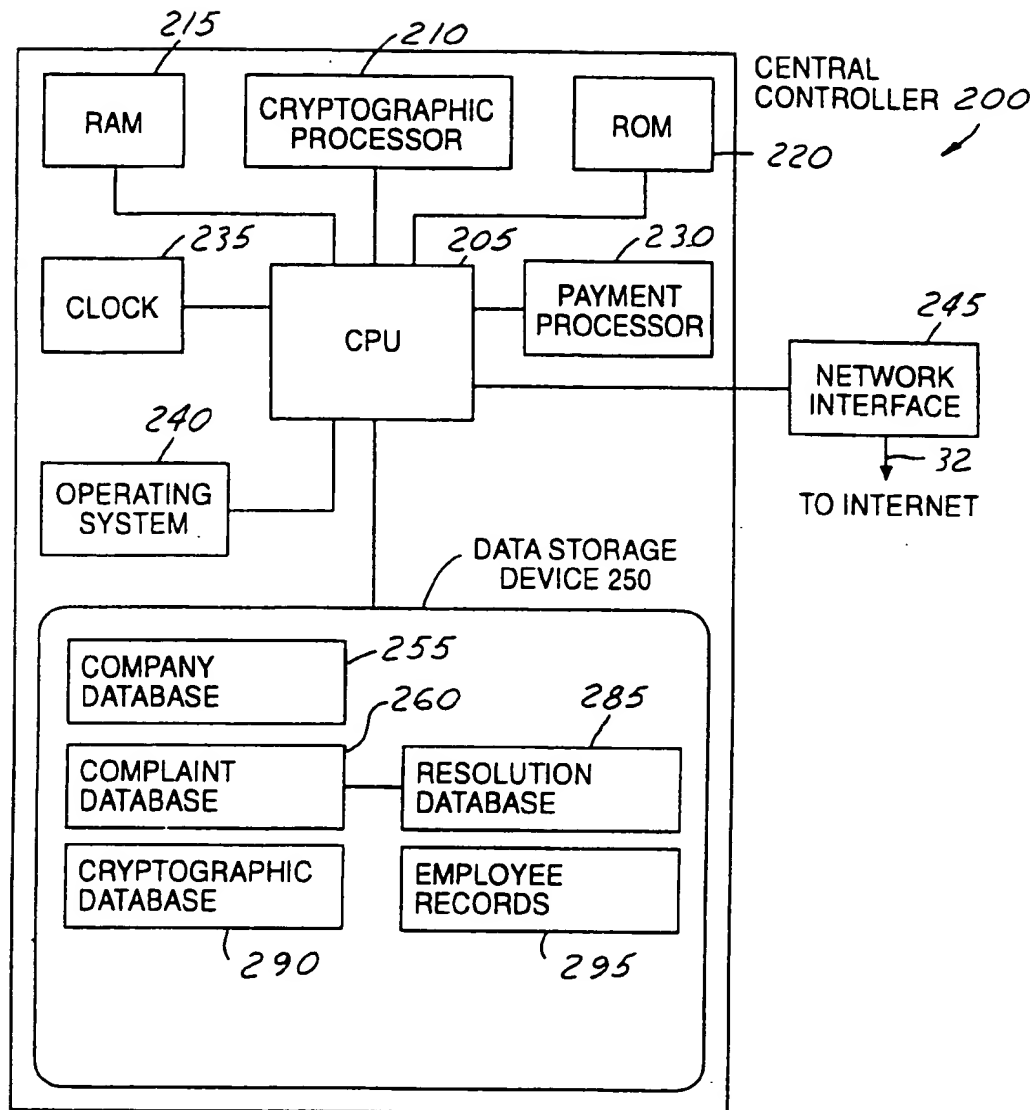3   claim 17, wherein said network is the Internet.

1   19. The method of resolving complaints
2   between an employee and an employer as recited in
3   claim 16, further comprising the step of providing a
4   network to receive said employee initiated complaint.

1   20. The method of resolving complaints
2   between an employee and an employer as recited in
3   claim 19, wherein said network is the Internet.

1   21. The method of resolving complaints
2   between an employee and an employer as recited in
3   claim 16, wherein the step of processing said
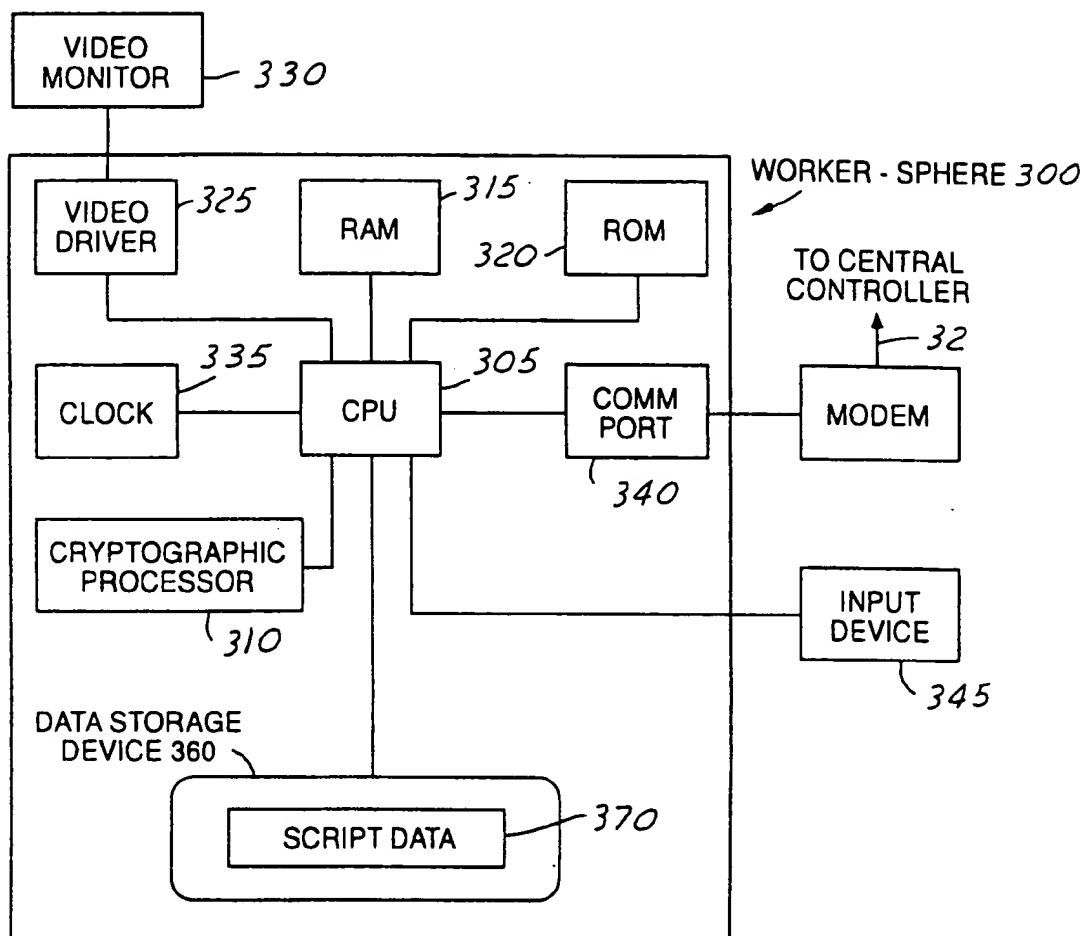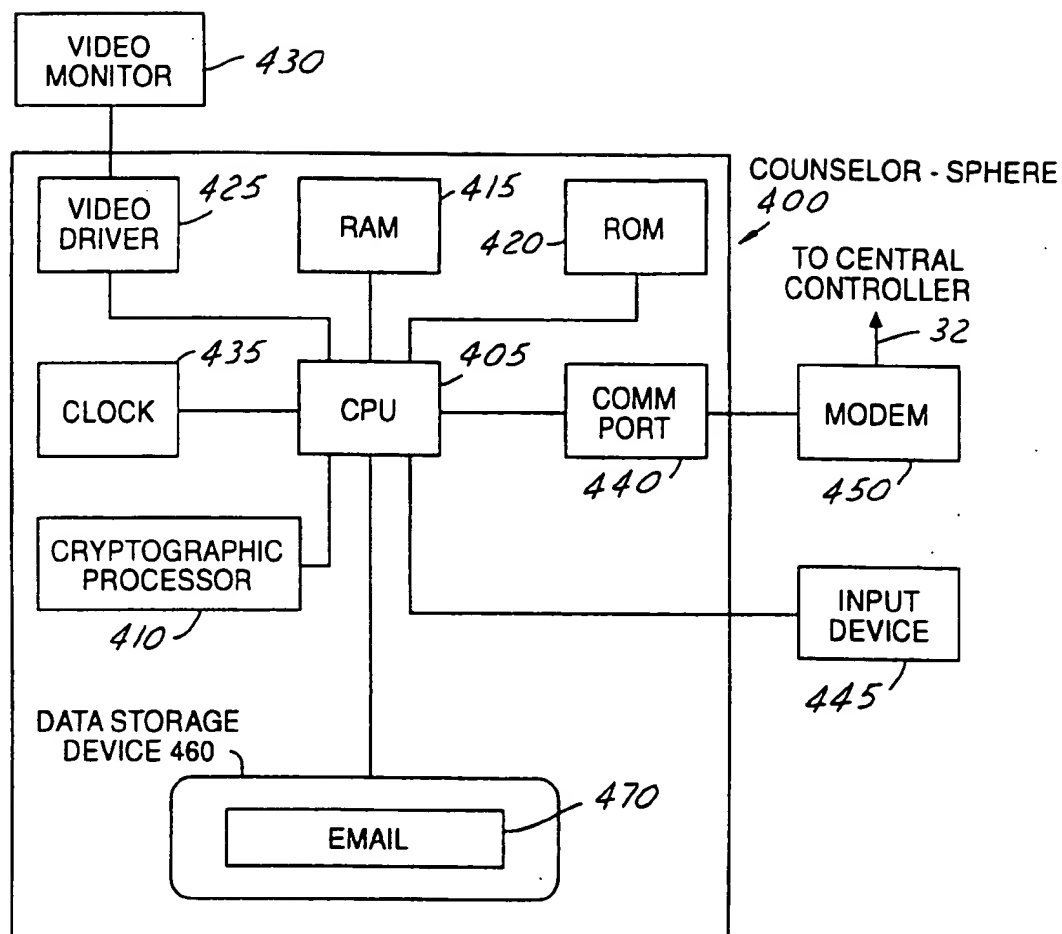4   complaint comprises categorizing said complaint.

1   22. The method of resolving complaints
2   between an employee and an employer as recited in
3   claim 16, wherein the step of processing said
4   complaint comprises rating a severity of said
5   complaint.

FIG.1

FIG.2

FIG.6

FIG. 3

FIG.4

FIG.5

INTERNATIONAL SEARCH REPORT

A.	CLASSIFICATION OF SUBJECT MATTER
IPC(7)	: G06F 19/00
US CL	: 705/1

According to International Patent Classification (IPC) or to both national classification and IPC

B.	FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
U.S. : 705/1,2,4,11

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

C.	DOCUMENTS CONSIDERED TO BE RELEVANT	
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	US 5,895,450 A (SLOO) 20 April 1999 (20.04.1999), see abstract	1-32
Y	US 5,668,953 A (SLOO) 16 September 1997 (16.09.1997), abstract	1-32
Y	US 5,884,032 A (BATEMAN et al.) 16 March 1999 (15.03.1999), abstract.	1-32

☐ Further documents are listed in the continuation of Box C.   ☐ See patent family annex.

*	Special categories of cited documents:	"T"	later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"A"	document defining the general state of the art which is not considered to be of particular relevance		
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"L"	document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"Y"	document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"O"	document referring to an oral disclosure, use, exhibition or other means		
"P"	document published prior to the international filing date but later than the priority date claimed	"&"	document member of the same patent family

Date of the actual completion of the international search	Date of mailing of the international search report
05 December 2000 (05.12.2000)	**09 JAN 2001**
Name and mailing address of the ISA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231 Facsimile No. (703)305-3230	Authorized officer Dung Dinh *James R. Matthews* Telephone No. 305 9600

Form PCT/ISA/210 (second sheet) (July 1998)

3/6/05, EAST Version: 2.0.1.4

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Abstract (Document Summary)

Arbitration is a system for resolving disputes whereby parties submit controversies to a third party for decision in lieu of bringing lawsuits. The arbitration system can be efficient and equitable if standards of fairness and due process are followed. Faculty members must be mindful of issues like choice of arbitrator and cost allocation.

Full Text (725 words)

\ LEGAL WATCH

IN 1995, BLISSFULLY UNAware that he was about to become the center of swirling legal debate, Saint Clair Adams applied for a job. Nestled in his application was an agreement to "settle any and all ... claims arising out of ... [his] employment, ... by final and binding arbitration." Six years later, the Supreme Court ruled that the clause was enforceable and barred Adams from bringing his case to court. Unfortunately, this nonacademic case could have a profound effect on the litigation rights of faculty. Circuit City Stores, Inc. v. Adams allows any employer, including a college or university, unilaterally to require that employees submit all legal claims, even civil rights claims, to arbitration.

Arbitration is a system for resolving disputes whereby the parties submit controversies to a third party for decision in lieu of bringing a lawsuit. As the AAUP statement Arbitration in Cases of Dismissal points out, arbitration can be efficient and equitable if standards of fairness and due process are followed. Criteria for mutually beneficial arbitrations include sound procedures that enjoy the confidence of the faculty and the administration, careful definition of subjects and standards, arbitrators knowledgeable about academe, and reliance on the standards and expectations of the profession. Faculty who understand the issues presented by arbitration, and who are proactive in negotiating the rules by which it is conducted, can and do benefit from the numerous efficiencies it provides.

Nevertheless, unilateral imposition of mandatory arbitration clauses in academic contracts is exceedingly troubling and does not comport with AAUP policies on shared governance. Barring access to the courts for employment claims without consulting faculty undermines joint faculty-administration leadership, undercuts faculty faith in the system, and increases the risk of conflict and court challenges; in other words, it eliminates the very benefits that arbitration can provide. Thus, as more colleges and universities explore the feasibility of arbitration clauses, faculty should be aware of the underlying issues, such as choice of arbitrator, cost allocation, and due process procedures.

Often, arbitration provisions are simple and vague, establishing mandatory arbitration but not spelling out any of the details of the process. Yet details like the choice of arbitrator are extremely important. Faculty should pay attention to how an arbitrator is to be selected, and should make efforts to identify a pool of knowledgeable, well-respected individuals to propose. Arbitrators familiar with the law and higher education can be found by consulting attorneys, union leaders, and dispute-resolution services. A fair provision calls for mutual agreement on arbitrators, and mutual opportunities to propose and strike candidates.

Arbitration allows parties to avoid the costs and long delays of litigation, which form their own barrier to court access. Finding attorneys willing to take cases on contingency can be difficult, because of the heavy time and resource investment required before any potential payoff. Moreover, litigation is weighted in favor of those with the resources to delay and obfuscate. Arbitration, with its expeditious and more informal process, can eliminate many of these problems.

Arbitration's benefits can, however, only be realized if costs are allocated in a way that is financially feasible for faculty. Yet asking the administration to pay for the entire cost may not be the best approach. As a regular employer of arbitrators, an institution develops a relationship with them; they, in turn, have an incentive to keep a repeat client happy. Most arbitrators are conscientious and sincere in their efforts to remain neutral. But when an institution consistently employs certain arbitrators, there is at least a perception of increased administration control over the outcome, thereby undermining faith in the impartiality of the system. All costs need not be divided equally, but faculty should carefully consider ways of proposing, selecting, and paying for arbitrators so that they are comfortable with the balance of influence and control.

Another important factor is due process. Will the arbitration be governed by American Arbitration Association rules, which provide for due process, discovery, and neutral evaluation? If not, what rules will govern? What discovery will be allowed? Although some cases can be resolved without extensive discovery, others require collection of information from the employer. Arbitration rules need to provide for fair information-gathering opportunities.

A mutually agreed-upon and wellconstructed arbitration policy can benefit faculty and administrations alike, but faculty must educate themselves about issues critical to ensuring a fair and efficient process.

[Author Affiliation]
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Assistant Commissioner of Patents
Box Patent Application
Washington, DC 20231

Transmitted herewith is the U.S. Patent Application of
Inventor: Karl A. Slaikeu
For: An Expert System For Analysis of Conflicts

The following checked items are enclosed:

  X   Stamped, Self Addressed Postcard to be Returned
  X   Check for $395.00 for filing fee
  X   Declaration and Power of Attorney (unsigned)
 14   Pages of Specification Including Abstract
  6   Total Number of Claims
  1   Independent Claims
  3   Sheets of Drawings
  X   Verified Statement Claiming Small Entity Status

If there is any additional fee due, please charge such additional fee to Deposit Account No. 19-1453 (Our File No. 100-352).

The filing fee was calculated as follows:
        Basic Fee ---------------------------- $395.00

                   Total Fee --------------- $395.00

Respectfully submitted,

SHAFFER & CULBERTSON

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AN EXPERT SYSTEM FOR THE ANALYSIS
OF INTERNAL CONFLICTS

INVENTOR: KARL A. SLAIKEU

1   **AN EXPERT SYSTEM FOR THE ANALYSIS OF INTERNAL CONFLICTS**

2   <u>BACKGROUND OF THE INVENTION</u>

3   This invention relates to an expert system for the analysis of internal conflicts.

4   Specifically, this patent relates to an expert system for the analysis of internal conflicts to

5   determine the absence or presence of predetermined rules for dispute resolution.

6   While no two businesses are identical, every business has essentially the same business

7   interests. Those business interests include controlling costs, increasing market share,

8   meeting/exceeding customer expectations, strengthening long-term business relationships, and

9   increasing the value of the business. Another common element in every business is conflict.

10   Predictable conflicts occur in three areas. These three areas are employees, customers, and

11   business partners. Businesses that ignore these predictable areas of conflicts do so at their peril.

12   Unresolved conflict contributes to high costs in organizations, and one of the most measurable

13   costs is outside litigation expenses. It is not uncommon for large organizations to have litigation

14   expenses in the seven and eight figure range. Litigation expenses represent a true waste for any

15   business, since these expenses detract directly from the bottom line. Alongside legal expenses,

16   however, are other costs associated with unresolved conflict, such as emotional wear and tear, lost

17   business relationships, and high turnover. Other than abject neglect, the source of these

18   unresolved conflict costs to businesses can be traced directly to weak systems for handling

19   internal conflicts. Weak systems are indicated by poor complaint-handling, communication, and

20   negotiation skills of employees and managers; by grievance procedures based on a higher

21   authority; by overuse of litigation to resolve disputes; by simply adding alternative dispute

22   resolution to an already weak system; by lack of continuity in systems for employees, customers,

23   and partners; and by inadequate prevention procedures. Indicators of weak systems are also

1　indirectly reflected by high litigation expenses, lost productivity, bad press, strikes/poor labor

2　relations, lost business opportunities, and internal arguments over how or when to use alternative

3　dispute resolution. Just as the prior art solution to solving unresolved conflict by way of

4　litigation has been found to be no sure answer, yet expensive, so has the prior art solution of

5　requiring alternative dispute resolution for any and all unresolved conflicts.

6　　　What is required, and what applicant has developed, is an expert system for the analysis

7　of internal conflicts to determine the presence or absence of predetermined rules for dispute

8　resolution. The expert system for analysis disclosed herein allows for diagnosis of organizational

9　weaknesses, and then recommends corrective action (systems changes) through rewiring

10　organizational procedures, selecting key staff, and training all employees, thereby producing

11　outcomes that benefit the entire organization. The expert system has achieved reductions in

12　outside litigation expenses up to eighty percent annually. Alongside this material benefit are

13　improved morale and cooperation in the workplace, retention of valued of employees, and

14　strengthened long-term business relationships with customers and partners.

<div align="center">

SHORT STATEMENT OF THE INVENTION

</div>

16　　　Accordingly, the expert system for the analysis of internal conflicts to determine the

17　absence or presence of predetermined rules for dispute resolution comprises the steps of first

18　providing a computer system. Thereafter, a computer program is installed on the computer

19　system containing predetermined rules for dispute resolution. Next, information about existing

20　internal conflict processes are input into the computer system. Together the computer system and

21　computer program apply the predetermined rules for dispute resolution to the input information

22　so as to yield recommendations in accordance with the predetermined rules for dispute resolution,

1 for modifying the existing internal conflict process. The computer program includes rules for the

2 analysis of a plurality of dispute resolution process variables. In a preferred environment, the

3 dispute resolution process variables are selected from a list including policy, rules and

4 responsibilities, documentation, selection, education and training, support, and evaluation. In this

5 embodiment, recommendations are for modifications to conform the existing internal conflict

6 process to include at least those from this list. Further, in a preferred embodiment, the expert

7 system for analysis computer program includes rules for recommendations for site-based

8 resolution, internal support resolution, convening for external alternative dispute resolution, or

9 external higher authority resolution. Still further, the computer program includes rules for review

10 of the outcome of each internal conflict analysis performed, including utilization of the

11 recommended system, resolution of the particular conflict, expenses associated therewith, and

12 satisfaction of the parties thereto.

13 This expert system acknowledges four ways to resolve conflict. Avoidance, as in no

14 action to resolve the conflict is taken; collaboration, in which individual initiative, negotiation by

15 the parties, and mediation by third parties are solicited; higher authority, wherein the chain of

16 command is utilized or external arbitration or litigation are resorted to; or unilateral power play,

17 wherein physical violence, strikes, and behind the scenes maneuvering take place. Applicant's

18 expert system for the analysis of internal conflicts orders the four ways to resolve conflict for low

19 cost resolution early in the life of any conflict, focusing by way of computer hardware and

20 software on systemic collaboration first with other options as backup. Further, applicant's expert

21 system emphasizes internal systems that precede external alternative dispute resolutions, which

1   has the effect of preventing minor complaints and conflicts from escalating into expensive

2   disputes.

3   Applicant's expert system includes rules for process variables. Importantly, seven process

4   variables have been identified, those being policy, roles and responsibilities, documentation,

5   selection, education and training, support, and evaluation. These rules are used in the analysis

6   of preexisting internal conflict processes so as to identify weakness and recommend corrections.

7   By way of these rules, a preferred path is delineated so that internal conflicts pass initially

8   through individual site-based resolution initiatives, then to internally supported negotiations, then,

9   if necessary, to external mediations, informal and formal, and lastly, to higher authority, internal

10   or external. Further, once the information concerning the current conflict resolution process is

11   input to the computer, a recommendation concerning change to that process is made. Once those

12   changes are implemented, the resultant conflict resolution process is evaluated by reference to

13   outcome variables, including utilization, resolution, expense, and satisfaction.

BRIEF DESCRIPTION OF THE DRAWINGS

15   Other objects, features, and advantages of the present invention will become more fully

16   apparent from the following detailed description of the preferred embodiment, the appended

17   claims, and the accompanying drawings in which:

18   Figure 1 is a schematic illustrating a computer program containing predetermined

19   rules for dispute resolution;

20   Figure 2 is a flow chart illustrating the computer program of predetermined rules

21   for dispute resolution; and

1   Figure 3 is a schematic illustrating the process variables considered in accordance

2   with the predetermined rules and the outcome variables utilized in analysis of the

3   modified internal conflict process.

4

5   <u>DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT</u>

6   The preferred embodiment of the present invention is illustrated by way of example in

7   FIGURES 1-3. With specific reference to Figure 1, it illustrates the expert system for the

8   analysis of internal conflicts 10 and four gates 12, 14, 16, and 18 through which internal conflicts

9   are directed. A computer system, of any type known in the art and not described or disclosed

10   more fully hereafter, is utilized in accordance with this invention by way of the installation of

11   a computer program on the computer system containing predetermined rules for dispute

12   resolution. In accordance with these predetermined rules, block 20 illustrates the first preferred

13   stage for dispute resolution, that being site-based resolution 22. In accordance with the rules,

14   site-based resolution 22 encourages resolution of internal conflicts by the parties, to wit,

15   employees, managers, customers, and anyone in conflict. Further, collaboration is encouraged

16   first by means of individual initiative, negotiation, and mediation. The expert system for analysis

17   of internal conflicts 10 also provides for resort to higher authority through gate 16 directly to

18   convening for external alternative dispute resolution 24 in block 26. Nonetheless, the rules

19   require initially that internal conflicts pass from block 20 site-based resolution 22 to block 28

20   internal support 30 in the normal case. This second level of internal conflict resolution is

21   accomplished by specialists 32, including, but not limited to, ombudsman, human resources

22   personnel, internal mediators, peer review personnel, and corporate counsel, i.e., legal department

1   assistance. From block 28 internal support 30, the predetermined rules urge continuing internal

2   conflict problems to pass through gate 14 to block 26 for the convening of external alternative

3   dispute resolution (ADR) 24 personnel. ADR 24 may be accomplished by any known procedure,

4   but the rules suggest external vendors 34 provide these services and the predetermined rules

5   include a menu of choices thereunder, including, but not limited to, mediation, arbitration, mini

6   trial, and fact finding procedures. Block 36 illustrates a fourth possible step provided for under

7   the predetermined rules for external higher authority 38 resolution of internal conflicts.

8   Resolution by way of external higher authority 38 is accomplished in any manner known in the

9   art, such as litigation, hearings, and so forth, by courts, governmental agencies, and the like.

10   As illustrated in Figure 1, the predetermined rules of the present invention force

11   comprehensive systemic evaluation of internal conflicts to be considered early in the life of any

12   conflict, ordering the options to begin with low-cost resolution early in the life of any conflict

13   by way of preferred site-based resolution 22. Internal conflicts which cannot be resolved in block

14   20 by way of site-based resolution 22 are directed preferably through gate 12 to block 28 for

15   internal support 30. Alternatively, in some cases, the internal dispute will be passed through gate

16   16 to block 26 for the convening of an external alternative dispute resolution 24. Should this

17   occur, it is still, under the predetermined rules, preferable to the traditional resort to block 36

18   external higher authority resolution of problems that cannot be solved by site-based resolution 22.

19   As illustrated, the preferred path for dispute resolution in accordance with the terms of

20   the predetermined rules are illustrated by way of single arrows 40. Additionally, the

21   predetermined rules of the computer program of the present invention provide for looping

22   backward or forward within the schematic as illustrated by double arrows 42.

6

1   Referring now to Figure 2, it illustrates the preferences evidenced by predetermined rules

2   for dispute resolution. In the inevitable event of internal conflict, early resolution 44 is preferred

3   and employees and managers work to informally resolve the conflict as illustrated in block 46.

4   If resolution is reached, as in block 48, no further action is necessary (block 50). If a resolution

5   is not reached, internal conflict management rules direct the process proceeds to internal support

6   52, where employees and managers receive help from a variety of personnel, including

7   ombudsman, human resources, legal department, internal mediation, peer review, and others block

8   54. If a resolution is reached (block 56), no further action is necessary (block 50).

9   If a resolution is not reached in block 56, the rules require convening for external

10   resolution 58 at block 60. External alternative dispute resolution (block 60) includes any and all

11   types available, such as mediation, arbitration, and fact finding. If a resolution is reached at

12   block 62, no further action (block 50) is necessary. If a resolution is not reached at block 62,

13   external higher authority in the form of litigation 64 is indicated. Litigation by the courts or

14   administrative process through governmental agencies (block 66) occurs in accordance with these

15   rules as illustrated in this flow chart, then, as not the first but the next to the last step in conflict

16   resolution. If the conflict resolution is reached (block 68), no further action is necessary (block

17   50). If a resolution is not reached in block 68, administrative or legal appeal process 70 is

18   indicated. In each step, once no further action is necessary (block 50), the predetermined rules

19   of the program for the present invention require assessment of lessons learned (block 72) so that

20   conflict resolution procedures, weaknesses, and strengths may be noted and amended as necessary.

21   Referring now to Figure 3, a slightly modified schematic of the expert system for analysis

22   of internal conflicts 10 is illustrated, wherein the connection between site-based resolution 12 and

1   convening for external alternative dispute resolution 24 through gate 16 has been eliminated. By

2   way of this schematic then, the rules require a flow from site-based resolution 22 through internal

3   support 30 to convening for external ADR 24 and, as a last resort, referral to external higher

4   authority 38. There is no provision, therefore, as illustrated, for direct resort from site-based

5   resolution 12 to convening for external ADR 24, as shown in Figure 1.

6   An integral part of expert system for analysis of internal conflicts 10 is the provision in

7   the predetermined rules for analysis of internal conflict process variables 74, which are designed

8   to complement the previously described rules in analyzing information obtained on existing

9   internal conflict processes so that recommendations consistent with the establishment of an expert

10   system for conflict resolution will be obtained. While the process variables applicant has selected

11   for incorporation into the rules of its program are discussed more fully hereafter, it is by no

12   means suggested that these are the only variables that may be utilized. Instead, it is suggested

13   that these variables are critical for the expert system for analysis of internal conflicts as disclosed

14   herein to function to its full capabilities.

15   The first conflict process variable to be considered is policy. The rules require that a

16   policy statement be written that describes the conflict resolution process as applied to all

17   employment issues. Secondly, the roles and responsibilities of each of the following individuals

18   are detailed as to what role they are to play in the early resolution of conflicts:

19   (a)   employees;

20   (b)   managers; and

21   (c)   specialists, such as ombudsman, human resources, attorneys, internal mediators,

22   external conveeners, external ADR vendors.

8

1   Documentation is the next process variable 74 to be considered under the rules, wherein

2   all written and electronic documents are required to channel all potential conflicts through the

3   gates as illustrated in either Figure 1 or 3. This includes employee brochures, videos for new

4   employees, press releases, supervision manuals, and all other corporate documents.

5   The rules regarding the selection process variable strengthen the talent base within an

6   enterprise for the skills of collaboration and conflict management. This is done by developing

7   selection criteria concerning collaboration and then revising the selection/performance

8   review/promotion procedures to include assessment of an individual's talent for collaboration.

9   Further, selection criteria is integrated into a skills training program and ultimately ombudsman

10   and conveeners are selected from those individuals demonstrating these talents best.

11   The rules require a review of the education and training process and result in

12   recommendations for implementing training to support the revised conflict resolution process.

13   Training for the implementation of the changes to the existing conflict resolution process includes

14   an orientation for supervisors and the entire workforce. This training educates the individuals as

15   to the nature of the program, the benefits of the program for all employees, and links conflict

16   management to the company's strategic initiatives.

17   Subsequently, the training element includes training in-house specialists in the core skills

18   of dispute resolution. This is designed to equip those who staff the program with the necessary

19   skills to resolve disputes. Finally, an essential element of the recommendation is training all

20   employees and managers for prevention and early intervention in all future conflict situations.

21   As illustrated in Figures 1 and 3, early resolution is the starting place for the expert system for

22   the analysis of internal conflicts 10 in every case.

9

1   Once existing dispute resolution processes have been revised, support for these revised

2   processes is required under the rules.   The support mechanisms are defined for both the

3   employees and managers and require ongoing support in implementing and evaluating the revised

4   process.

5   The last process variable relates to block 72 lessons learned (Figure 2), wherein the rules

6   require an analysis of each new conflict to determine whether additional modification

7   recommendations are necessary. The four key areas for evaluation of the outcome variables 76

8   (Figure 3) for the resolution of new conflicts are the expenses involved, the satisfaction of the

9   employer and employees, utilization of the recommended flow chart, and the ultimate resolution

10   of the conflict.

11   By way of the present invention, an expert system for the analysis of internal conflicts to

12   determine the absence or presence of predetermined rules for dispute resolution is disclosed. The

13   system is implemented by utilization of a computer system, again of any known type, in

14   conjunction with a computer program containing predetermined rules for dispute resolution. As

15   illustrated in Figure 2, the existing internal conflicts process is first analyzed to determine

16   whether or not it matches the rules-required format as illustrated, again, in Figure 2. Once the

17   existing internal conflict process has been examined in accordance with the rules,

18   recommendations are provided so as to insure that modifications to the existing internal conflicts

19   process results in a process that encourages early resolution by the parties on-site. The next

20   required gate is to obtain internal support from specialists. The next required gate, in a preferred

21   embodiment, is the convening of external alternative dispute resolution providers. Only then do

22   the rules allow for the process to pass through gate 18 to external higher authority dispute

10

1   resolution alternatives, such as litigation and governmental agency oversight. Applicant has found

2   that the provision of the template required by these rules and the modification of existing systems

3   in accordance with the recommendation of the program as a result of analysis of an existing

4   conflict process results in significant cost savings on the order of fifty to eighty percent of the

5   cost to the company of the continued use of existing internal conflict processes.

6   Any existing internal conflict process will be made better by review in accordance with

7   the predetermined rules disclosed herein so that, while the present invention has been disclosed

8   in connection with the preferred embodiment thereof, it should be understood that there may be

9   other embodiments which fall within the spirit and scope of the invention as defined by the

10   following claims.

1   CLAIMS:

2   1.   An expert system for the analysis of internal conflicts to determine the absence or

3   presence of predetermined rules for dispute resolution comprising the steps of:

4   (a)   providing a computer system;

5   (b)   installing a computer program on said computer system containing said

6   predetermined rules for dispute resolution;

7   (c)   inputting information about existing internal conflicts processes into said computer

8   system; and

9   (d)   applying said predetermined rules for dispute resolution to said information;

10   (e)   to yield recommendations for modification of said existing internal conflicts

11   processes in accordance with said predetermined rules for dispute resolution.

13   2.   The system of Claim 1 wherein the step of installing said computer program containing

14   predetermined rules for dispute resolution includes rules for the analysis of a plurality of dispute

15   resolution process variables.

17   3.   The system of Claim 2 wherein said plurality of dispute resolution process variables

18   includes at least one from a list including policy, roles and responsibilities, documentation,

19   selection, education, support, and evaluation.

20

1   4.   The system of Claim 3 wherein the recommendations are for modifications to conform

2   said existing internal conflicts processes to include at least those from said list of process

3   variables.

4

5   5.   The system of Claim 1 wherein the step of installing the computer program further

6   includes rules for recommendations for sight-based resolution, internal support resolution,

7   convening for external alternative dispute resolution, or external higher authority resolution.

8

9   6.   The system of Claim 1 where installing a computer program further includes rules for

10   review of the outcome of each internal conflict for which information was input including

11   utilization, resolution, expense, and satisfaction with said predetermined rules for dispute

12   resolution.

1   AN EXPERT SYSTEM FOR THE ANALYSIS OF INTERNAL CONFLICTS

2   <u>ABSTRACT OF THE DISCLOSURE</u>

3   An expert system for the analysis of internal conflicts to determine the absence or

4   presence of predetermined rules for dispute resolution requires a computer system and a computer

5   program installed on the computer system containing predetermined rules for dispute resolution.

6   Information is gathered and input into the computer system for analysis by the computer program

7   about an existing internal conflicts process to be reviewed. The computer program applies the

8   predetermined rules for dispute resolution to the information and yields recommendations, in

9   accordance with the predetermined rules for dispute resolution, for modification of the existing

10   internal conflicts process. A number of process variables are utilized in the initial evaluation and

11   the follow-up evaluations following each conflict resolution process, including the process

12   variables of policy, roles and responsibilities, documentation, selection, education and training,

13   support, and evaluation. Additionally, the program requires that each dispute that is resolved be

14   reviewed in accordance with outcome variables such as utilization of recommended process,

15   resolution obtained, expense involved, and the satisfaction of the parties using the system.

16

17   i:\mjr\chorda\100\applica

18

Comprehensive System Template

(4)

External
Higher
Authority ~ 38

- Litigation, hearings.

By:
- Courts
- Governmental agencies.

(2)

Internal Support ~ 30

By:
- Specialists ~ 32

Includes:
- Ombudsman
- Human Resources
- Internal Mediators
- Peer Review
- Legal Department

(3)

Convening for
External ADR ~ 24
(Alternative Dispute
Resolution)

By:
- External Vendors ~ 34

Menu includes:
- Mediation
- Arbitration
- Mini Trial
- Fact Finding

(1)

Site-Based ~ 22
Resolution

By the parties:

- Employees,
managers, customers
anyone in conflict.

- Collaboration
encouraged first
(individual
initiative,
negotiation,
mediation).

- Higher authority
available.

──── = Gate

↑ = Preferred Path
↕ = Loop Back or Forward

Conflict Management Flow Chart

Figure 2E

Employees and manager work to informally resolve conflict. (46)

Resolution Reached? (48) — Yes → No Further Action Necessary (50) → Lessons Learned (72) / No →

Help from: (54)
- Ombudsman
- Human Resources
- Legal Department
- Internal Mediation
- Peer Review
- Other Methods

Resolution Reached? (56) — Yes → No Further Action Necessary (50) / No →

External Alternative Dispute Resolution (60)
- Mediation
- Arbitration
- Fact Finding

Resolution Reached? (62) — Yes → No Further Action Necessary (60) / No →

Litigation Governmental Agency (66)

Resolution Reached? (68) — Yes → No Further Action Necessary (50) / No →

Appeal Process (70)

1 Early Resolution (44)
2 Internal Support (52)
3 Convening (58)
4 Litigation (64)

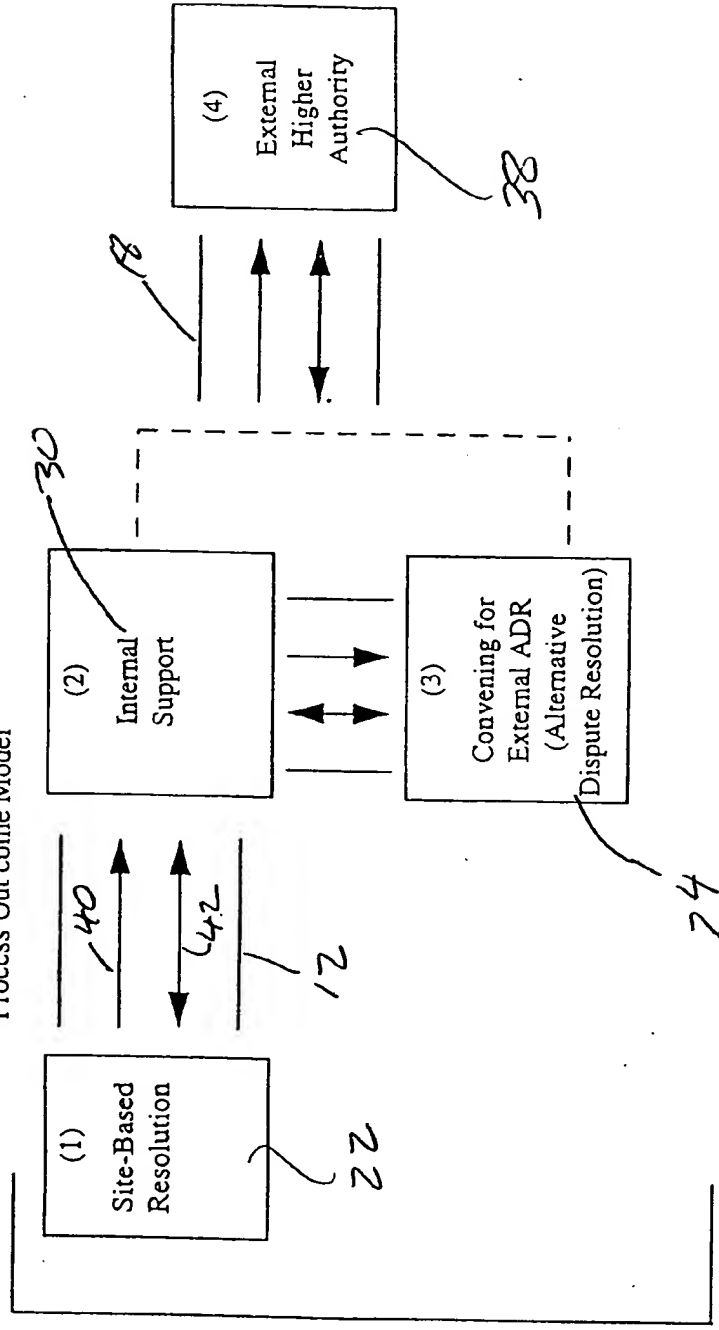Applies to predictable conflicts involving employees and managers, customers, partners, shareholders, outside parties.

Figure 3

Conflict Management System:

Process Out come Model

(4)
External
Higher
Authority

38

8

30

(2)
Internal
Support

(3)
Convening for
External ADR
(Alternative
Dispute Resolution)

24

40

42

12

(1)
Site-Based
Resolution

22

Process variables: 74

1. Policy
2. Roles and
   Responsibilities
3. Documentation
4. Selection
5. Education and
   Training
6. Support
7. Evaluation

Outcome variables   76
(for each box):

1. Utilization
2. Resolution
3. Expenses
4. Satisfaction

Applicant or Patentee: Karl A. Slaikeu
Serial or Patent No.:   Unknown
Filed or Issued: Herewith
For: AN EXPERT SYSTEM FOR ANALYSIS OF CONFLICTS

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
37 C.F.R. §1.9(f) and §1.27(b) - INDEPENDENT INVENTOR

As the below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 C.F.R. §1.9(c) for the purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled AN EXPERT SYSTEM FOR ANALYSIS OF CONFLICTS described in

    _X_ the specification filed herewith

    __ application serial no. _____, filed _____

    __ patent no. _____, issued _____

I have not assigned, granted, conveyed, or licensed and am under no obligation, under contract or law, to assign, grant, convey, or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 C.F.R. §1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 C.F.R. §1.9(d) or a nonprofit organization under 37 C.F.R. §1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

    _x_   no such person, concern, or organization.

    __   persons, concerns or organizations listed below.*

    *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. §1.27)

Full Name _____
Address _____
             __ Individual __ Small Business Concern __ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. §1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Karl A. Slaikeu   _Feb. 24, 1998_
Karl A. Slaikeu, Inventor   Date

(rv 5/97)i:\mjr\chorda\100\small.ind

COMBINED DECLARATION AND POWER OF ATTORNEY

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: AN EXPERT SYSTEM FOR ANALYSIS OF CONFLICTS described and claimed in United States Letters Patent Application Serial No. 09/030,034 filed February 25, 1998;

I have reviewed and understand the content of the attached specification, including the claims, as amended by any amendment referred to above. I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application in accordance with Title 37, C.F.R. §1.56(a).

I hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

John Nevin Shaffer, Jr., Reg. No. 29,858
Russell D. Culbertson, Reg. No. 32,124

Address telephone calls to J. Nevin Shaffer, Jr. at telephone number: 512/327-8932. Address correspondence to: J. Nevin Shaffer, Jr., 1250 Capital of Texas Highway, S., Building One, Suite 360, Austin, Texas 78746.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

* * * * * *

_____
Date

_____
Karl A. Slaikeu

Residence: Austin, Texas
Citizenship: United States of America
Post Office Address: 812 Knollwood Drive, Austin, Texas 78746

COMBINED DECLARATION AND POWER OF ATTORNEY

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: AN EXPERT SYSTEM FOR ANALYSIS OF CONFLICTS described and claimed in the attached specification;

I have reviewed and understand the content of the attached specification, including the claims, as amended by any amendment referred to above. I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application in accordance with Title 37, C.F.R. §1.56(a).

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* * * * * *

_____   _____
Date   Karl A. Slaikeu

Residence: Austin, Texas
Citizenship: United States of America
Post Office Address: 1717 West 6th Street, Suite 215B, Austin, Texas 78730

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